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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/784,025	02/20/2004	Ernst-Christian Koch	17312	1693		
23389 7:	590 11/22/2005	EXAMINER				
SCULLY SCOTT MURPHY & PRESSER, PC			GELLNER, J	GELLNER, JEFFREY L		
400 GARDEN SUITE 300	CITY PLAZA	ART UNIT	PAPER NUMBER			
GARDEN CITY, NY 11530			3643			

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	No.	Applicant(s)					
Office Action Summary		10/784,025		KOCH, ERNST-CH	HRISTIAN				
		Examiner		Art Unit					
		Jeffrey L. Ge	1	3643					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status									
1)⊠	Responsive to communication(s) filed on 20 February 2004.								
2a) <u></u> □	This action is FINAL . 2b)⊠ This action is non-final.								
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.									
Disposition of Claims									
 4) Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-12 are subject to restriction and/or election requirement. 									
Application Papers									
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority under 35 U.S.C. § 119									
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 									
Attachmen	t(s)								
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)									
3) Inform	e of Draftsperson's Patent Drawing Review (PTO-5 mation Disclosure Statement(s) (PTO-1449 or PTO r No(s)/Mail Date	D/SB/08) 5	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:)-152)				

DETAILED ACTION

Election/Restrictions

Applicant is required under 35 USC 121 to elect a single claimed species based upon the composition of the pyrotechnic composition (i.e., Applicant must elect one of an oxidation agent and a metal - for example, CF4 and magnesium) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Current claims 1, 9, and 12 appears generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00, alternate Fridays off, if attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey L. Gellner Primary Examiner

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